

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO ELECTRIC FOOT SCOOTERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 291C, Hawaii Revised Statutes, is  
2 amended by adding a new section to part XII to be appropriately  
3 designated and to read as follows:

4           "§291C-       Electric foot scooters.   (a) This section  
5 shall apply whenever an electric foot scooter is operated upon  
6 any highway, roadway, or other designated public area set aside  
7 for the use of electric foot scooters. Every person operating  
8 an electric foot scooter upon a roadway shall be granted all of  
9 the rights and shall be subject to all of the duties applicable  
10 to a driver of a vehicle under this chapter, except as to  
11 provisions of this:

12           (1) Section to the contrary; and  
13           (2) Chapter that, by their nature, can have no  
14                 application.

15           (b) The counties by ordinance shall regulate operations of  
16 electric foot scooters with regard to, but not limited to, the  
17 following:



1        (1) Operations in or upon roadways, bikeways, bicycle  
2            paths, and sidewalks;

3        (2) Restrictions on maximum speed;

4        (3) Safety considerations; and

5        (4) Insurance requirements;

6 provided that no authority adopted in accordance with this  
7 subsection shall be less restrictive than the requirements set  
8 forth in this section.

9        (c) No person under fifteen years of age shall operate an  
10 electric foot scooter on a highway, street, roadway, or any  
11 other public property in the State. No person under sixteen  
12 years of age shall operate an electric foot scooter unless the  
13 person wears a safety helmet securely fastened with a chin  
14 strap. The safety helmet shall meet the specifications of and  
15 requirements for a bicycle helmet as set out in section  
16 291C-150.

17        (d) No person shall operate an electric foot scooter that  
18 is carrying any other person, nor shall any person other than  
19 the operator ride upon an electric foot scooter.

20        (e) No person operating an electric foot scooter shall  
21 carry any package, bundle, or article that prevents the use of



1 both hands in the control and operation of the electric foot  
2 scooter.

3 (f) Any electric foot scooter used from thirty minutes  
4 after sunset until thirty minutes before sunrise shall be  
5 equipped as provided in section 291C-147; provided that in lieu  
6 of the requirement of section 291C-147(b), every electric foot  
7 scooter shall be equipped with a lighted lamp that is visible  
8 from the rear.

9 (g) No person shall operate an electric foot scooter at a  
10 speed other than is reasonable and prudent and having regard to  
11 the actual and potential hazards and conditions then existing;  
12 provided that no person shall operate an electric foot scooter  
13 at a speed greater than fifteen miles per hour.

14 (h) Any person who operates an electric foot scooter  
15 recklessly in disregard of the safety of persons or property  
16 shall be assessed penalties as set forth in section 291C-161.

17 (i) A person or entity that provides electric foot  
18 scooters for hire shall not rent or lease an electric foot  
19 scooter to any person unless:



1        (1) Each renter or lessee that is under the age of sixteen  
2                    wears a safety helmet, as required in subsection (c),  
3                    while operating the electric foot scooter; and

4        (2) Each renter or lessee is provided with a copy of the  
5                    electric foot scooter ordinances or rules that have  
6                    been adopted by the applicable county.

7            (j) An electric foot scooter shall be registered in a  
8 manner similar to a low-speed electric bicycle, and shall be  
9 subject to a permanent registration fee of \$30, which shall be  
10 paid by the owner to the director of finance."

11            SECTION 2. Section 249-1, Hawaii Revised Statutes, is  
12 amended as follows:

13            1. By adding a new definition to be appropriately inserted  
14 and to read:

15            "Electric foot scooter" means a device weighing less than  
16 seventy-five pounds, with two or three wheels, handlebars, and a  
17 floorboard that can be stood upon while riding, that is solely  
18 powered by an electric motor or human power, and whose maximum  
19 speed, with or without human propulsion on a paved level  
20 surface, does not exceed fifteen miles per hour."

21            2. By amending the definition of "moped" to read:



1            ""Moped" means a device upon which a person may ride  
2    [~~which~~] that has two or three wheels in contact with the ground,  
3    a motor having a maximum power output capability measured at the  
4    motor output shaft, in accordance with the Society of Automotive  
5    Engineers standards, of two horsepower (one thousand four  
6    hundred ninety-two watts) or less and, if it is a combustion  
7    engine, a maximum piston or rotor displacement of 3.05 cubic  
8    inches (fifty cubic centimeters) and which will propel the  
9    device, unassisted, on a level surface at a maximum speed no  
10   greater than thirty miles per hour; and a direct or automatic  
11   power drive system which requires no clutch or gear shift  
12   operation by the moped driver after the drive system is engaged  
13   with the power unit. "Moped" does not include an electric foot  
14   scooter."

15           SECTION 3. Section 286-2, Hawaii Revised Statutes, is  
16   amended as follows:

17           1. By adding a new definition to be appropriately inserted  
18   and to read:

19           "Electric foot scooter" means a device weighing less than  
20   seventy-five pounds, with two or three wheels, handlebars, and a  
21   floorboard that can be stood upon while riding, that is solely



1 powered by an electric motor or human power, and whose maximum  
2 speed, with or without human propulsion on a paved level  
3 surface, does not exceed fifteen miles per hour."

4 2. By amending the definition of "moped" to read:

5 "Moped" means a device upon which a person may ride  
6 [~~which~~] that has two or three wheels in contact with the ground,  
7 a motor having a maximum power output capability measured at the  
8 motor output shaft, in accordance with the Society of Automotive  
9 Engineers standards, of two horsepower (one thousand four  
10 hundred ninety-two watts) or less and, if it is a combustion  
11 engine, a maximum piston or rotor displacement of 3.05 cubic  
12 inches (fifty cubic centimeters) and which will propel the  
13 moped, unassisted, on a level surface at a maximum speed no  
14 greater than thirty miles per hour; and a direct or automatic  
15 power drive system which requires no clutch or gear shift  
16 operation by the moped driver after the drive system is engaged  
17 with the power unit. "Moped" does not include an electric foot  
18 scooter."

19 SECTION 4. Section 291-31.5, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           "§291-31.5 Blue lights prohibited for motor vehicles,  
2 motorcycles, motor scooters, bicycles, electric foot scooters,  
3 and mopeds. (a) No person shall knowingly operate, affix or  
4 cause to be affixed, display, or possess any lamp, reflector, or  
5 illumination device that appears to be the color blue, or colors  
6 blue and red, upon any motor vehicle, motorcycle, motor scooter,  
7 bicycle, electric foot scooter, or moped, except for:

- 8           (1) County law enforcement vehicles authorized and  
9           approved by the chief of police of the county in which  
10          the vehicle is operated;
- 11          (2) Department of public safety law enforcement vehicles  
12          with blue and red lamps, reflectors, or illumination  
13          devices authorized and approved by the director of  
14          public safety;
- 15          (3) Department of land and natural resources division of  
16          conservation and resources enforcement vehicles with  
17          blue and red lamps, reflectors, or illumination  
18          devices authorized and approved by the chairperson of  
19          the board of land and natural resources; or
- 20          (4) Department of transportation division of harbors law  
21          enforcement vehicles with blue and red lamps,



1 reflectors, or illumination devices authorized and  
2 approved by the director of transportation.

3 This prohibition shall not apply to factory-installed instrument  
4 illumination."

5 SECTION 5. Section 291C-1, Hawaii Revised Statutes, is  
6 amended as follows:

7 1. By adding a new definition to be appropriately inserted  
8 and to read:

9 "Electric foot scooter" means a device weighing less than  
10 seventy-five pounds, with two or three wheels, handlebars, and a  
11 floorboard that can be stood upon while riding, that is solely  
12 powered by an electric motor or human power, and whose maximum  
13 speed, with or without human propulsion on a paved level  
14 surface, does not exceed fifteen miles per hour."

15 2. By amending the definition of "moped" to read:

16 "Moped" means a device upon which a person may ride  
17 [~~which~~] that has two or three wheels in contact with the ground,  
18 a motor having a maximum power output capability measured at the  
19 motor output shaft, in accordance with the Society of Automotive  
20 Engineers standards, of two horsepower (one thousand four  
21 hundred ninety-two watts) or less and, if it is a combustion





1 engine, a maximum piston or rotor displacement of 3.05 cubic  
2 inches (fifty cubic centimeters) and which will propel the  
3 device unassisted, on a level surface at a maximum speed no  
4 greater than thirty miles per hour; and a direct or automatic  
5 power drive system [~~which~~] that requires no clutch or gear shift  
6 operation by the moped driver after the drive system is engaged  
7 with the power unit. "Moped" does not include an electric foot  
8 scooter."

9 SECTION 6. Section 291C-123, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) No person shall drive any vehicle other than a  
12 bicycle, electric foot scooter, or moped upon a bicycle lane or  
13 bicycle path, except upon a permanent or authorized temporary  
14 driveway, or park any vehicle upon a bicycle lane or bicycle  
15 path; provided that any vehicle may be driven or parked in a  
16 bicycle lane or bicycle path as applicable if:

- 17 (1) It is in the process of executing a legal turn, lane  
18 change, or parking maneuver;
- 19 (2) It is an authorized emergency vehicle performing the  
20 functions under section 291C-26;



- 1 (3) It is an official federal, state, or county vehicle in
- 2 the performance of its actual duty;
- 3 (4) It is a stalled or broken vehicle;
- 4 (5) It is necessary to assist a stalled or broken vehicle;
- 5 (6) It is necessary to yield to an authorized emergency
- 6 vehicle pursuant to section 291C-65; or
- 7 (7) It is otherwise provided by law."

8 SECTION 7. Section 707-700, Hawaii Revised Statutes, is  
9 amended by amending the definition of "vulnerable user" to read  
10 as follows:

11 "Vulnerable user" means:

- 12 (1) A pedestrian legally within a street or public
- 13 highway;
- 14 (2) A roadway worker actually engaged in work upon a
- 15 street or public highway or in work upon utility
- 16 facilities along a street or public highway, or
- 17 engaged in the provision of emergency services within
- 18 a street or public highway, including but not limited
- 19 to:
  - 20 (a) Construction and maintenance workers; and
  - 21 (b) Police, fire, and other emergency responders; or



- 1           (3) A person legally operating any of the following within
- 2           the street or public highway:
- 3           (a) A bicycle;
- 4           (b) An electric foot scooter;
- 5       ~~[(b)]~~ (c) A moped;
- 6       ~~[(e)]~~ (d) An electric personal assistive mobility device; or
- 7       ~~[(d)]~~ (e) A wheelchair conveyance or other personal mobility
- 8           device."

9           SECTION 8. This Act does not affect rights and duties that  
 10 matured, penalties that were incurred, and proceedings that were  
 11 begun before its effective date.

12           SECTION 9. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14           SECTION 10. This Act shall take effect upon its approval.

15

INTRODUCED BY:   
 By Request



# S.B. NO. 2790

**Report Title:**

Electric Foot Scooters; Regulation

**Description:**

Establishes a framework for the regulation of electric foot scooters by the State and counties. Amends definitions of "moped" to exclude electric foot scooters.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

